

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

FRESHUB, INC., a Delaware Corporation, and
FRESHUB, LTD., an Israeli Limited Liability Com-
pany,

Plaintiffs,

v.

AMAZON.COM, INC., a Delaware Corporation,
AMAZON DIGITAL SERVICES, LLC, a Delaware
Limited Liability Company, PRIME NOW, LLC,
a Delaware Limited Liability Company, and
WHOLE FOODS MARKET, INC., a Texas Corpo-
ration,

Defendants.

Case No. 6:19-cv-00388-ADA

[PROPOSED] ORDER GRANTING MOTION TO DISMISS

Before the Court is Defendants' motion to dismiss for failure to allege infringement of a patentable claim. Having fully considered the motion, the submissions related thereto, and the arguments of counsel, the Court holds that the claims of asserted U.S. Patent Nos. 9,908,153, 10,213,810, 10,232,408, and 10,239,094 are directed to patent-ineligible subject matter and are therefore invalid under 35 U.S.C. § 101. Accordingly, Plaintiffs fail to state a claim against Defendants.

Therefore, **IT IS HEREBY ORDERED** that Defendants' motion to dismiss is **GRANTED** and Plaintiffs' complaint is **DISMISSED WITH PREJUDICE** in its entirety.

SO ORDERED.

SIGNED this _____ day of _____, 2019.

ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE